

REMARKS

The Decision of March 4, 2010 has been reviewed, and in view of the following remarks, reconsideration and allowance of all of the claims pending in the application are respectfully requested. Although Applicants do not agree with the Board's decision, independent claims 1 and 10 have been amended to clarify distinguishing features of the present application. No new matter has been added. Claim 2 has been cancelled. Thus, claims 1 and 3-18 are currently pending.

Anticipation Rejection of Claims 1, 5, 6, and 7 Under 35 U.S.C. 102(b) are Improper

Claims 1, 5, 6, and 7 currently stand rejected under 35 U.S.C. 102(b) as being allegedly anticipated by U.S. Patent No. 606,889 to Gregory ("Gregory"). Although Applicants respectfully disagree with the propriety of the anticipation rejections, Applicants have nonetheless amended claims 1 and 10 to further clarify the claimed invention.

Claim 1, as amended, recites a display system comprising a shelf assembly having at least a first and second side, wherein the shelf assembly comprises a transparent material" and "a shelf mount assembly for mounting to one or more wall mounting assemblies through the slotting mechanism and removably mounting the shelf assembly to the one or more wall mounting assemblies, wherein the shelf mount assembly is removable from the shelf assembly" (emphasis added).

Gregory fails to teach or disclose a *transparent* shelf assembly. Gregory's system is made of nontransparent wood and metal for mounting a type-writer to a desk. (Gregory page 1, lines 10-22 in conjunction with Figure 1)

Gregory also fails to teach *the shelf mount assembly is removable from the shelf assembly*. The Office alleges Gregory's "pin H" is the shelf mount assembly. However, pin H is "formed with the upper portion" of bracket F (emphasis added). In other words, pin H is a fully integrated with bracket F. Therefore, pin H, if it can even be assumed to be analogous to a shelf mount assembly, as purported by the Office, is not removable from bracket F, which is purportedly the "shelf assembly."

To be an "anticipation" rejection under 35 U.S.C. §102, the reference must teach every feature recited in the Applicants' claims. For at least these reasons, Applicants respectfully submit that claim 1 is allowable over the cited references.

Claims 5, 6, and 7 depend directly or indirectly from claim 1. These claims are allowable at least as being dependent from an allowable claim.

Obviousness Rejections of Claims 2-4 and 8-18 Under 35 U.S.C. 103 are Improper

Claims 2, 3, 10, 11, 12, 14, 15, and 16 currently stand rejected under 35 U.S.C. 103 as being allegedly unpatentable over Gregory in view of U.S. Patent No. Des. 305,190 to Winter et al ("Winter").

Claims 2 has been cancelled. Therefore, the rejection of claim 2 is moot in light of the cancellation of the claim.

Claim 3 depends from claim 1 and therefore incorporates all of the recited features. As discussed above, Gregory does not teach or suggest all of the elements of claim 1. Winter, which shows a display shelf mounted with a direct mounting attachment, was relied upon by the Office for the alleged teaching of a transparent material and does not cure the deficiencies of Gregory. First, Winter is a design patent and does not teach use of a "transparent" material. Applicant submits that the Office's assertion that Winter uses "transparent material" is but mere conjecture.

Second, nothing in Winter teaches and form of shelf mount assembly that is “removable from the shelf assembly,” as expressly recited. Thus, claim 3 is neither anticipated nor rendered obvious by the combination of Gregory and Winter.

Claim 10 has been amended to recite similar features as recited in claim 1. As discussed above, Gregory is deficient with respect to these features. Winter does not cure or render obvious the deficiencies of Gregory. Thus, claim 10 is neither anticipated nor rendered obvious by the combination of Gregory and Winter.

Claims 11, 12, 14, 15, and 16 depend directly or indirectly from claim 10. Claims 11, 12, 14, 15, and 16 are therefore allowable at least as being dependent on an allowable claim.

Claims 8, 9, 17, and 18 currently stand rejected under 35 U.S.C. 103 as being allegedly unpatentable over Gregory in view of Winter, and further in view of U.S. Patent No. 5,165,538 to Peters (“Peters”).

Claims 8 and 9 depend indirectly from independent claim 1, and claims 17 and 18 depend indirectly from independent claim 10. For reasons discussed above, the combination of Gregory and Winter is deficient with respect to independent claims 1 and 10. Peters, which the Office cites to show a transparent object supporting portion, does not cure or render obvious the deficiencies of Gregory and Winter. Thus, claims 8, 9, 17, and 18 are neither anticipated nor rendered obvious by the cited references.

Claims 4 and 13 currently stand rejected under 35 U.S.C. 103 as being allegedly unpatentable over Gregory in view of Winter and further in view of U.S. Patent No. 6,467,745 to Sickels (“Sickels”).

Claims 4 and 13 are dependent on claims 1 and 10, respectively. These claims thus incorporate all the elements of claims 1 and 10. As discussed above, the combination of Gregory and Winter fails to teach or suggest all of the elements of claims 1 and 10. Sickels is merely relied upon by the Examiner for the angular relationship of a support surface and a wall and fails to cure the deficiencies of Gregory and Winter. It follows that claims 4 and 13 are neither anticipated nor rendered obvious by the cited three-way combination of Gregory, Winter, and Sickels.

Accordingly, Applicants respectfully submit that in view of the above amendment and remarks, all of the pending claims are now allowable over the cited references and respectfully request that all of the instant rejections of claims 1 and 3-18 be withdrawn

CONCLUSION

For the reasons set forth above, it is respectfully submitted that all outstanding rejections have been overcome or rendered moot. Further, all pending claims are patentably distinguishable over the prior art of record. Accordingly, Applicants respectfully submit that these claims are in a condition for allowance. Reconsideration and allowance of all claims is respectfully requested.

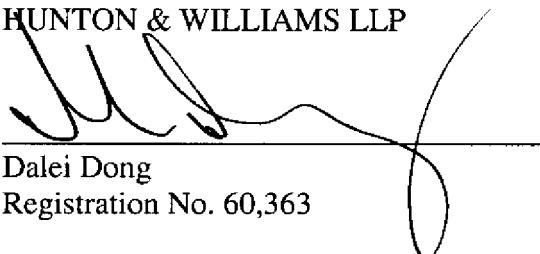
If the Examiner believes that a telephone conference or interview would advance prosecution of this application in any manner, the undersigned stands ready to conduct such a conference at the convenience of the Examiner.

If there are any fees due which are not enclosed herewith, including any fees required for extension of time under 37 C.F.R. §1.136, please charge such fees to our Deposit Account No. 50-0206.

Respectfully submitted,

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